

ENTERED

December 21, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

CYNTHIA BANDA,

Plaintiff,

VS.

CITY OF MCALLEN, TEXAS,

Defendant.

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Civil Case No. 7:23-CV-00341

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the December 5, 2023 Memorandum and Recommendation ("M&R") prepared by Magistrate Judge Peter Bray. (Dkt. No. 15). Judge Bray made findings and conclusions and recommended that Defendant's Motion to Dismiss, (Dkt. No. 4), be denied. (Dkt. No. 15).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

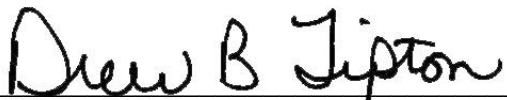
Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that:

- (1) Judge Bray's M&R (Dkt. No. 15) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendant's Motion to Dismiss, (Dkt. No. 4), is **DENIED**.

It is SO ORDERED.

Signed on December 21, 2023.


DREW B. TIPTON
UNITED STATES DISTRICT JUDGE